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Statement of Japan

United Nations General Assembly, Sixth Committee, 77th SESSION,
Report of the International Law Commission on the work of its seventy-third session
Agenda item 77, Cluster I

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Thank you, Mr. / Madam Chairperson,

At the outset, on behalf of the Delegation of Japan, I would like to extend our sincere congratulations on your assumption of the Chair of the Sixth Committee.

Japan also appreciates the leadership of the Chair of the International Law Commission this year, Mr. Dire D. Tladi, as well as the contributions of all the Special Rapporteurs and the members of the Commission.

On 20 September 2022, Prime Minister KISHIDA stated in his address to the 77th Session of the United Nations General Assembly that “strengthening the rule of law based on international law will, in the long run, benefit all States and lead to sustainable growth and sound development of the international community.”

As Article 13 of the UN Charter stipulates, the General Assembly is mandated to encourage the progressive development of international law and its codification. This mandate forms the foundations of both the Sixth Committee and the International Law Commission. These two organs continue to be indispensable precisely because they promote the development of international law and the rule of law. Therefore, close cooperation between the Sixth Committee and the Commission is essential in carrying out this important role.

In this respect, Japan notes the recommendation of the Commission to hold the first part of a session in New York during the next quinquennium, in the hope that this initiative

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will serve to enhance dialogue between the members of the Sixth Committee and the members of the Commission. Japan would like to reiterate our assurance of full support and active contribution to the work of the Commission.

Now, I would like to turn to the work of the Commission. In its seventy-third session, the Commission successfully concluded its work on two topics; namely, “Peremptory norms of general international law (*jus cogens*)” and “Protection of the environment in relation to armed conflicts”. At the same time, Japan notes that the Commission added three new topics to its programme of work; namely, “Reparations to Individuals for Gross Violations of International Human Rights Law,” “Serious Violations of International Humanitarian Law” and “Prevention and Repression of Piracy and Armed Robbery at Sea.” We also note that the Commission has included “Non-legally binding international agreements” in its long-term programme of work.

In this connection, Japan would like to emphasize two points that it has expressed in previous interventions.

First, Japan remains concerned about the heavy workload of the Commission. Japan expects that the Commission will fully take into account the views of Member States and focus on selected topics that are pressing concerns of the international community as a whole.

Second, the work of the Commission has considerable influence over the wider international law community, where States and international courts often make reference to the outputs of the Commission. Thus, Japan reiterates the importance that sufficient time be given to Member States to thoroughly examine the work of the Commission, and also that the Commission properly reflect the views of the Member States as expressed in the Sixth Committee and in written form.

Peremptory norms of general international law (*jus cogens*)

Mr. / Madam Chairperson,

Japan extends its appreciation to the International Law Commission and especially to the Special Rapporteur, Mr. Dire Tladi, for their hard work on the topic of “Peremptory norms of general international law (*jus cogens*)”. Japan would like to congratulate the adoption

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of the draft conclusions together with the commentaries on this important topic for all States.

Japan welcomes the modifications made to the draft conclusions and the commentaries reflecting the views of the Member States. However, Japan notes that there are still substantial concerns articulated by the Member States which have not been properly reflected in the final product of the Commission. In particular, with regard to draft conclusion 23 and the annex, which contain a non-exhaustive list of *jus cogens*, Japan has reiterated its view that proper care should be taken in the preparation of this list and that the list should be drafted based on reason and evidence. Taking into account that a considerable number of other Member States have also expressed their doubts, reservations, and objections to the inclusion of the list, Japan remains concerned, especially because this topic is of extreme importance for all States.

With regard to paragraph 1 of draft conclusion 19, without prejudice to the consequences of serious breaches of other peremptory norms, Japan agrees that, in the case of aggression, States have duty to cooperate within their capacities to end the aggression.

Finally, Japan recalls that it was not until the completion of the first reading that all the draft commentaries were made available. Because the work of the Commission is essential for the rule of law, going forward, Japan stresses its hope that the Commission will carefully consider its methods of work in order to ensure that sufficient time is given for thorough examination by the Member States and that the views of the Member States are fully taken into account.

Protection of the environment in relation to armed conflicts

Mr. / Madam Chairperson,

On the topic of “Protection of the environment in relation to armed conflicts”, Japan would like to congratulate the successful completion of the second reading and commends the adoption of the draft principles together with the preamble. Japan extends its gratitude especially to the Special Rapporteur, Ms. Marja Lehto.

As the world faces Russia’s war of aggression against Ukraine, the progress of work in this field cannot come at a timelier moment. Notably, the seizure of Ukrainian nuclear

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power facilities, in particular the Zaporizhzhya Nuclear Power Plant, as well as other actions by Russian armed forces, pose a serious threat to the safety and security of these facilities, significantly raising the risk of a nuclear accident or incident and endangering not only the population of Ukraine, neighboring States, and the international community, but also endangering the environment.

While Japan remains of the view that it is beneficial to focus on the protection of the environment during armed conflicts, as opposed to before or after an armed conflict, Japan nevertheless supports the Commission's recommendation to encourage the widest possible dissemination of the draft principles on protection of the environment in relation to armed conflicts and to commend the draft principles, together with the commentaries thereto, to the attention of States and international organizations and all who may be called upon to deal with the subject.

I thank you.

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